

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MELVIN L. JOHNSON,

CASE NO. C24-0934JLR

Plaintiff,

ORDER

V.

DEPARTMENT OF VETERANS
AFFAIRS,

Defendant.

Before the court is *pro se* Plaintiff Melvin L. Johnson's amended complaint. (Am.

Compl. (Dkt. # 8).) The court previously dismissed Mr. Johnson's complaint pursuant to

28 U.S.C. § 1915(e)(2) because he (1) failed “to name the head of the [Department of

Veterans Affairs (“VA”) as the defendant rather than the agency itself” and (2) “the

(75127.01a (Dra. No. 7), and 8. See generally Comp. (Dra. No. 5).) Having reviewed M.

Johnson's amended complaint, the court concludes that it remains deficient for the same

1 reasons. Thus, pursuant to 28 U.S.C. § 1915(e)(2), the court dismisses Mr. Johnson’s
2 complaint with leave to file a second amended complaint.

3 Mr. Johnson’s amended complaint appears to be the same complaint he submitted
4 before with additional handwriting on it. Mr. Johnson has added several defendants to
5 his complaint, none of whom are Denis R. McDonough, Secretary of the VA. (See Am.
6 Compl. at 3.) The court explicitly instructed Mr. Johnson to name Secretary McDonough
7 as the sole defendant in his amended complaint (7/31/24 Order at 8), which he has failed
8 to do. The court therefore dismisses Mr. Johnson’s amended complaint on this ground.

9 Moreover, Mr. Johnson has not added any additional factual allegations to his
10 complaint or provided additional clarification as to what claim(s) he is bringing.

11 (*Compare* Compl., *with* Am. Compl.) Mr. Johnson attached a 75-page exhibit to his
12 complaint, comprising a “timeline for the event[s] that took place at the Puget Sound
13 Veterans Hospital of Seattle, Washington on January 31st 2020 and what lead [sic] up to
14 it prior,” as well as several documents, most of which are VA documents that concern
15 Mr. Johnson’s prior administrative case. (See *generally* Ex. (Dkt. # 8-1).) Even if the
16 court were to consider this exhibit as part of Mr. Johnson’s complaint and liberally
17 construe his complaint as pleading claims for hostile work environment and wrongful
18 termination under Title VII, Mr. Johnson’s timeline still fails to plead that he belongs to a
19 protected class. (See *generally* *id.*; Am. Compl. *See also* 7/31/24 Order at 7 (explaining
20 why Mr. Johnson’s prior complaint failed to state a claim for hostile work environment or
21 wrongful termination).) The court therefore dismisses Mr. Johnson’s amended complaint
22 on this ground as well.

Accordingly, the court DISMISSES Mr. Johnson's amended complaint (Dkt. # 8) without prejudice and with leave to amend. The court will give Mr. Johnson one more opportunity to remedy his complaint. Mr. Johnson must, by no later than **September 27, 2024**, draft and file a second amended complaint that (1) names Secretary McDonough as the sole defendant; (2) identifies the claim(s) he is bringing; and (3) includes short, plain statements setting forth: (a) the legal basis for his claim(s); (b) exactly what the VA did or failed to do and when that conduct occurred; (c) how the VA's actions or inactions are connected to his legal claim(s) (i.e., how he was discriminated against); and (d) the specific injury or injuries he suffered as a result of the VA's conduct and when he suffered it. The court warns Mr. Johnson that if he fails to timely file a second amended complaint that cures the deficiencies identified herein and in the court's July 31, 2024 order, the court will dismiss the complaint and this action with prejudice and without leave to amend.

Dated this 4th day of September, 2024.



JAMES L. ROBART
United States District Judge